

AMENDED IN SENATE SEPTEMBER 1, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 27, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 666

**Introduced by Assembly Member Jones
(Principal coauthor: Assembly Member Nava)**

February 25, 2009

An act to add Section 66474.02 to the Government Code, and to amend Section 4290 of the Public Resources Code, relating to subdivisions.

LEGISLATIVE COUNSEL'S DIGEST

AB 666, as amended, Jones. Subdivision maps.

(1) Existing law, the Subdivision Map Act, requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, unless it makes certain findings.

This bill would require the legislative body of a county to make 3 specified findings before approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in a state responsibility area or a very high fire hazard severity zone, as defined. *The bill would provide that this provision does not supersede the requirements of local ordinances and specified regulations that provide equivalent or more stringent minimum requirements.*

(2) Existing law requires the State Board of Forestry and Fire Protection to adopt regulations implementing minimum fire safety standards related to defensible space which are applicable to state

responsibility area lands under the authority of the Department of Forestry and Fire Protection, and provides that these regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991.

This bill would require the board, prior to January 1, 2011, to initiate a rulemaking process to consider adopting regulations requiring a minimum of 2 separate access roads for a subdivision in a state responsibility area or very high fire hazard severity zone.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66474.02 is added to the Government
2 Code, to read:

3 66474.02. (a) Before approving a tentative map, or a parcel
4 map for which a tentative map was not required, for an area located
5 in a state responsibility area or a very high fire hazard severity
6 zone, as both are defined in Section 51177, a legislative body of
7 a county shall make the following three findings:

8 (a)

9 (1) A finding supported by substantial evidence in the record
10 that the design and location of each lot in the subdivision, and the
11 subdivision as a whole, is consistent with any applicable regulations
12 adopted by the State Board of Forestry and Fire Protection pursuant
13 to Sections 4290 and 4291 of the Public Resources Code.

14 (b)

15 (2) A finding supported by substantial evidence in the record
16 that structural fire protection and suppression services will be
17 available for the subdivision through any of the following entities:

18 (1)

19 (A) A county, city, special district, political subdivision of the
20 state, or another entity organized solely to provide fire protection
21 services that is monitored and funded by a county or other public
22 entity.

23 (2)

24 (B) The Department of Forestry and Fire Protection by contract
25 entered into pursuant to Section ~~4129~~ 4133, 4142, or 4144 of the
26 Public Resources Code.

(e)

(3) A finding that ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code.

(b) *This section shall not supersede regulations established by the State Board of Forestry and Fire Protection or local ordinances that provide equivalent or more stringent minimum requirements than those contained within this section.*

SEC. 2. Section 4290 of the Public Resources Code is amended to read:

4290. (a) The board shall adopt regulations implementing minimum fire safety standards related to defensible space which are applicable to state responsibility area lands under the authority of the department. These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991. The board may not adopt building standards, as defined in Section 18909 of the Health and Safety Code, under the authority of this section. As an integral part of fire safety standards, the State Fire Marshal has the authority to adopt regulations for roof coverings and openings into the attic areas of buildings specified in Section 13108.5 of the Health and Safety Code. The regulations apply to the placement of mobile homes as defined by National Fire Protection Association standards. These regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance. The regulations shall include all of the following:

(1) Road standards for fire equipment access.

(2) Standards for signs identifying streets, roads, and buildings.

(3) Minimum private water supply reserves for emergency fire use.

(4) Fuel breaks and greenbelts.

(b) These regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the state.

(c) Prior to January 1, 2011, the board shall initiate a rulemaking process to consider adopting regulations requiring a minimum of two separate access roads for a subdivision located in a state

1 responsibility area or a very high fire hazard severity zone. If
2 adopted, the rule shall be applicable so as to require at least two
3 separate access roads, based on, among other things, the
4 geographical and topographical situation of a subdivision, the
5 feasibility of requiring two separate access roads, ownership
6 patterns, the ability of future phases to provide access, and the
7 predominant known wind patterns.

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